

1982 WL 189274 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 30, 1982

***1 Re: Payroll Deductions for Charitable Contributions**

Mr. Eric W. Pantsari
Director
Public Charities
Department of State
816 Keenan Building
Columbia, South Carolina 29201

Dear Eric:

This is to acknowledge receipt of and thank you for your letter of March 15, 1982. After reviewing Section 8-11-92, and particularly Section 8-11-92(A)(2)(a), it appears to me that your problem is not one of interpretation, but one of application. If you should have some specific questions as to a particular word or phrase that you feel is ambiguous, perhaps I could give you a legal opinion, but it is virtually impossible to issue an opinion on a question as broad as that posed in your letter. Section 8-11-92(A)(2)(a) provides that 'direct and continuing services' means: (a) services other than legal advocacy services which are provided directly to and specifically for one individual or one family. In other words, if the main services offered by a particular organization were those of a lobbyist, then that organization would not meet the criteria of this subsection, because it provides no services directly to or specifically for one individual or family. On the other hand, if an organization collected food and clothing which it distributed to individuals and families, then their services would be 'direct and continuing services.' It will be necessary to review each applicant on a case-by-case basis in order to determine if they meet the requirements of Section 8-11-92. Unfortunately, I am unable to give you any rule that could be applied to every possible situation.

You have posed a second question as to whether Section 8-11-94 would permit the Secretary of State to request a financial report of organizations applying for payroll deductions. Section 8-11-94 provides that the Secretary of State shall have access 'to all information necessary to verify or establish the eligibility, the tax exempt status or the tax liability of such organizations or groups of such organizations.' It is the opinion of this office that the Secretary of State could, under the authority of Section 8-11-94, request financial reports from applying organizations.

Very truly yours,

Richard B. Kale, Jr.
Senior Assistant Attorney General

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